



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Order 2003-1-2

Issued by the Department of Transportation
on the **2nd** day of **January, 2003**

Essential Air Service at

**CARLSBAD, NEW MEXICO
HOBBS, NEW MEXICO**

Under 49 U.S.C. 41731 *et seq.*

Served: January 7, 2003

**Docket OST-2002-12802
Docket OST-2002-12800**

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department is extending Air Midwest's service obligation at Carlsbad and Hobbs, New Mexico, for an additional 30 days, through [January 22, 2003](#).

Background

On May 24, 2002, Air Midwest, Inc., filed 90-day notices of its intent to suspend its unsubsidized service at Carlsbad and Hobbs, New Mexico, effective August 23, 2002. By Order 2002-8-9, August 12, 2002, the Department prohibited Air Midwest from suspending service at the communities for an initial 30-day period, through September 23, 2002, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through [December 23, 2002](#), by Order [2002-11-8](#).

Although we have received proposals, this case will not be completed before the end of the current hold-in period. In accordance with 49 U.S.C. 41734, we will extend Air Midwest's service obligation for an additional 30-day period, or until replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

ACCORDINGLY,

1. The Department requires Air Midwest, Inc., to maintain essential air service at Carlsbad and Hobbs, New Mexico, consisting of at least two nonstop or one-stop round trips each weekday and weekend to Albuquerque, through [January 22, 2003](#), or until replacement service actually begins, whichever occurs first;¹
2. The Department directs Air Midwest to retain all books, records, and other source and summary documents to support subsidy claims for payment and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
3. Dockets OST-2002-12802 and 12800 will remain open until further order of the Department; and
4. The Department will serve a copy of this order on the City governments and Airport Managers of Carlsbad and Hobbs, and Air Midwest, Inc.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT

Director

Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

¹ In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods as necessary until replacement service actually begins.